Public Works (1897) Department.

IRRIGATION

G.O., No. 230. I

DATED 6th March 1897

11/97

[Despatch Abstract.]

Periyar Lake: Passing orders on the question of the Navigation of the — by officers of the Travancore Government and in regard to the land to be taken up outside of the Contour in the immediate vicinity of the Lake.

7/3/97

6/3/97

partment.	Date.	G.O.		Departm

Mohd. Fazil Shah
செப்பனிடுபவர் பெயர்

செப்பனிடுவதற்காக எடுத்துக்
கொள்ளப்பட்ட நாள்

செப்பனிட்டு முடித்த நாள்

24/11/05

ச[illegible]பாசிக்குப் ஆராய்ச்சி உதவியாளர்
ப.நி.பா.எ. கையொப்பம்
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IRRIGATION.

Government (1897) of Madras.

PUBLIC WORKS.

2

Recd. 1897. *Enclosures*

Regd. *Spare copies*

G.O., No. 230 I., 6th March 1897.

MARCH.

Periyar Lake

Passing orders on the question of the navigation of the — by officers of the Travancore Government and in regard to the land to be taken up outside of the contour line and in the immediate vicinity of the lake.

No. 230 I., 6th March 1897.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Irrigation.

Read—the following papers :—

From W. HUGHES, Esq., Superintending Engineer, VI Circle, to the Chief Engineer for Irrigation, dated Trichinopoly, 28th August 1896, No. 1078 M.D.

I have the honour to offer my opinion on the matters referred to in G.O., No. 601 I., dated 23rd July 1896 (paragraph 3), and your memo. No. VI/33 P.R., dated 3rd August 1896.

2. The lease grants the right of carrying out works only on the land included within the 155 feet contour and such other land, limited to 100 acres, as may be selected in the immediate vicinity for purposes connected with the execution or preservation of the Irrigation works. It is not clear to me that the lease gives the right to make or maintain the tunnel without taking up the land over it. A strip of land, say, 20 yards wide, along the line of the tunnel should, certainly, form part of the 100 acres. Again, I think it altogether a mistake to restrict the land taken up at Periyár and Thekkadi to the small patches containing the cemetery and the buildings. There was no need to make the elephant trenches the boundaries. As things now are, we cannot without trespass hut coolies, quarry stone or even dig earth for the repair of the bund at the left end of the dam. I think it must have been for such purposes as these and not for the acquisition of forest that the clause empowering the Government to acquire 100 acres was entered in the lease. In my opinion Government should acquire for the maintenance and preservation of the works (inclusive of land now in possession)—

At Periyár.—First, the whole of the hill on which the Periyár buildings stand.

Second, the bed of the escape channel for 100 yards below the dam across it, with a strip 20 yards in width of the hill at right flank of the escape, the latter boundary being deflected so as to include the cemeteries.

Third, land within 100 yards of the main dam on all sides.

Fourth, land of necessary extent for stone quarrying in a convenient place.

The land in the first three items above will not amount to much, as the boundaries stated overlap and also a portion is already included in the lake area below level 155·0.

At Thekadi.—First, about 15 acres around the bungalows and the head works of the tunnel.

Second, a strip 20 yards in width along the line of the tunnel.

All the land enumerated above will come to much less than 100 acres and it is a question whether forest land should be selected to make up the balance. Mr. Pears assumes that all trees below the 155 feet level will die, but I think this is a matter of opinion. The water will not stand much above 144 feet (the full lake level) except occasionally and for short periods. I think Mr. Pears is probably wrong and that trees of which the roots are rarely submerged should survive. It would no doubt add much to the expense of procuring firewood or timber if it has to be cut here and there over a large area. On the whole, I think the acquisition of forest is not necessary, though it would be very convenient.

* * * * *

From the Honourable J. D. REES, C.I.E., Acting Resident in Travancore and Cochin, to the Chief Secretary to Government, Fort St. George, dated Trivandrum, 6th November 1896, Ref. on C. No. 3294.

In G.O., No. 418 I., dated 13th May 1896, communicated with Political order, R. No. 147 of the 16th idem, the Government requested the Resident to ascertain—

(*a*) whether the Travancore Sirkar would exempt from duty the surplus inferior timber and second-hand wrought timber which the Madras Public Works Department subordinates at Periyár were permitted to sell;

(*b*) whether the Sirkar had any objection to allow none but its superior officers to navigate the lake, and whether it would take steps to prevent trespass on the area leased to Government; and

(*c*) whether it had any objection to the selection of the 95 acres of land demarcated by the late Superintendent of Works, No. 1 Periyár division, near Thekkadi, to make up the 100 acres in the immediate vicinity of the lake referred to in the lease.

2. In G.O., No. 601 I., dated 23rd July last, communicated with Political order, R. No. 269, dated 6th August 1896, point (*a*) was dropped by Government, while in Mr. Thomson's letter, Ref. on C. No. 1694, dated 9th June last, he dwelt upon the question raised in point (*b*) on a previous reference from the Travancore Durbar. The Dewan has again addressed me on this subject pointing out the serious inconvenience caused to the Durbar by the prohibition against Travancore subordinate officials navigating the lake. Copy of his letter (No. R. 1060, dated 23rd September 1896), with its enclosure, is herewith submitted for the early orders of Government. I think that the Sirkar cannot fairly be asked to forego navigation of the lake by its officials. Of its readiness to comply with all reasonable requisitions, it has in this and in other cases given ample proof. I have lately visited the Periyár lake and therefore understand, from navigating it and from some knowledge acquired of the surrounding country, that a considerable tract, perhaps 20 square miles, of the Cardamom Hills will be cut off from all communication. The objection taken really relates to the passage of timber down the lake which may block the canal, and works near the mouth of the tunnel. But an arrangement might be made that timber should be sent down in concert with the British subordinate in charge, or the entrance to the canal might perhaps be protected. However this may be, and I do not presume to express an opinion, it is clear that the Sirkar cannot properly be cut off by the lake from part of its territories, and then be forbidden to use it as a means of access. The lake winds in and out among the hills for many miles.

3. As regards point (*c*), I have the honour to report, for the information of Government, that His Highness the Maharaja has expressed his willingness to include in the lease the 95 acres of land demarcated by the late Superintendent of Works, near Thekkadi, in addition to the 5 acres already taken up. The Conservator of Forests, Travancore, has been requested by the Sirkar to hand over the land to the British subordinates on the spot. In his letter on the subject, copy of which is also enclosed,

the Dewan raises the question whether an acreage rent of Rs. 500 per annum should not be paid for this land. Under the lease a payment of Rs. 40,000 covers the area within the contour line up to a maximum of 8,000 acres, any acreage in excess having to be paid for at Rs. 5 an acre. There is no separate stipulation as to payment for these 100 acres, nor have I any papers at my disposal showing what was intended in this behalf. If the Rs. 40,000 was intended to cover the concession, the inference from the omission of any express stipulation as to 100 acres would be, that it was a part of the concession, and obnoxious to no payment. On pointing this out to the Dewan, he has in his letter, No. 4391/P. 318 of the 20th ultimo, expressed his willingness to withdraw the claim. It is nevertheless advisable, I think, that it should be laid before Government, for the construction of deeds is often a matter of doubt.

Enclosures.

From M.R.Ry. SHUNGRASOOBYER Avergal, Dewan of Travancore, to the British Resident in Travancore and Cochin, dated Trivandrum, 23rd September 1896, No. R. 1060.

Adverting to my letter, No. R. 605, dated 6th June last, I have the honour to enclose copy of a letter, No. 761, dated 8th instant, from the Acting Superintendent and Magistrate, Cardamom Hills, pointing out the serious inconvenience caused by the prohibition against Travancore officials navigating the Periyár lake. I shall be obliged by your kindly making early arrangements for at least a limited portion of the lake being allowed to be used by the Travancore officials and contractors.

From M.R.Ry. SHUNGRASOOBYER Avergal, Dewan of Travancore, to the British Resident in Travancore and Cochin, dated Trivandrum, 20th October 1896, No. 4391/P. 318.

In reply to your letter, Ref. on C. No. 2928, dated the 2nd instant, I have the honour to state that, as observed by you, there is in the agreement no express stipulation as to payment for the 100 acres outside the 155 contour line. But the rent of Rs. 40,000 reserved in the agreement is for the area within such contour line up to a maximum of 8,000 acres, and there is a distinct provision for the payment of an acreage rent of Rs. 5 an acre for the excess over 8,000 acres within the above line. It will also be noted that there is neither in the agreement nor in the correspondence any reference to the 100 acres as being a free gift. I presumed, therefore, that the area outside the contour line was meant to be paid for, when it came to be made over. If, however, you think that in the absence of any express stipulation to the contrary, the transfer of the 100 acres of land in question should have no separate consideration either in the shape of a lump value or of land tax, His Highness' Government would gladly withdraw the claim.

From M.R.Ry. SHUNGRASOOBYER Avergal, Dewan of Travancore, to the Acting British Resident in Travancore and Cochin, dated Trivandrum, 15th September 1896, No. 3874/P. 296.

With reference to your letter, Ref. on C. No. 2556, dated the 18th ultimo, I have the honour to inform you that His Highness the Maharaja has been pleased to sanction the lease to the British Government of the lands selected near Thekkadi not exceeding in area 100 acres for the execution and preservation of the works. This includes the 5 acres now occupied by the houses of the British subordinates at Thekkadi and Periyár and their immediate surroundings.

2. I trust the acreage rent of Rs. 5 per acre will be paid to this Government for these 100 acres along with the rent for the area covered by the original agreement.

3. I am asking the Conservator of Forests to hand over to the British subordinates on the spot the lands demarcated by the Superintendent of Works, near Thekkadi, to the extent above mentioned.

Endorsement from the Political Department, dated 17th November 1896, No. 2389.

Letter from the Government Solicitor, dated 11th January 1897, No. 15.

From F. A. NICHOLSON, Esq., Acting Resident in Travancore and Cochin, to the Chief Secretary to Government, Fort St. George, dated Trivandrum, 15th January 1897, Ref. on C. No. 4038.

In continuation of my Ref. on C. No. 3294, dated 6th November 1896, I have the honour to forward herewith copy of a further communication received from the Dewan of Travancore, No. R. 1390, dated 19th ultimo, pointing out that much inconvenience and loss to the Sirkar Depôt at Coomily are caused by the prohibition against the navigation of the Periyár lake by the Travancore officials and contractors. I request, therefore, that Government will be pleased to issue early orders on the subject.

Enclosure.

From M.R.Ry. SHUNGRASOOBYER Avergal, Dewan of Travancore, to the British Resident in Travancore and Cochin, dated Trivandrum, 19th December 1896, No. R. 1390.

No. R. 605, dated 6th June 1896.
" R. 1060, " 23rd September 1896.
" R. 1196, " 3rd November "

Adverting to my letters noted in the margin, I have the honour to inform you that the Conservator of the Forests has again brought to my notice that much inconvenience and loss are caused to the Coomily depôt by the prohibition against the navigation of the Periyár lake. states that there are reserves of timber beyond the lake which cannot be tapped, as the cost of ng the materials round the lake is prohibitive. I shall feel obliged by your kindly making arrangements for at least a portion of the lake being allowed to be used by the Travancore ls and contractors.

Endorsement from the Political Department, dated 22nd January 1897, No. 165.

Order—No. 230 I., dated 6th March 1897.

In his letter, No. 3294, dated 6th November 1896, the Acting Resident, Travancore and Cochin, replies to the three heads of enquiry made in G.O., No. 418 I., dated 13th May 1896.

2. Of these the first has been disposed of in G.O., No. 601 I., dated 23rd July 1896.

3. With regard to the second head—that relating to the navigation of the Periyár lake by officers of the Sirkar—the Government agrees with the Resident, and the prohibition against Travancore officials navigating the lake will be removed. The Government resolves that, for the purpose of regulating traffic on the lake, the new Navigation rules about to be issued as applicable to the Chilka lake group will be made applicable to the Periyár lake and that, pending the issue of these rules, navigation of the Periyár lake will be permitted on payment of the following fees and subject to the condition that, for the present, timber or rafts must be excluded from that part of the lake known as the watershed cutting :—

	Annual. RS.	Six weeks. RS.	A.	P.	
Licenses.					
Rafts or timber	...	0	4	0	per 100 sq. ft.
Steamers	30	6	0	0	
Cargo boats	1	0	3	0	per ton.
Passenger boats, 1st class	2	0	5	0	per ton.
" 2nd "	1	0	3	0	per ton.
Registration fees.					
Private boats	12	2	4	0	
Pleasure boats	1	0	3	0	

4. As regards the land to be taken up outside of the contour line which forms the subject of the third head of enquiry made in G.O., No. 418 I., dated 13th May 1896, the Government considers that the yearly rent of Rs. 40,000 covers all such part of the 100 acres outside the contour line as may be required by Government for

the execution and preservation of the irrigation works within the contour line and that, for this purpose, the land described by the Superintending Engineer, VI Circle, in his letter, No. 1078 M.D., dated 28th August 1896, is required, as well as such portion of the forest demarcated by Mr. Pears as will make up 100 acres, that is, a block running up the hill from the lake margin near where the watershed cutting joins the lake.

5. The Government observes that His Highness the Maharaja of Travancore has expressed his willingness to include in the lease the 95 acres of land demarcated by the late Superintendent of Works and that the Conservator of Forests, Travancore, has been requested by the Sirkar to hand over this land to the British subordinates on the spot.

6. The Superintending Engineer, VI Circle, has already been called on to submit a map showing the boundaries of the land that it is proposed to take up, and on receipt of which the Resident will be addressed with a view to the Travancore Sirkar being asked to hand over the land.

(True Extract.)

Under Secretary to Government
Irrigation Brai

To the Resident in Travancore and Cochin, through the Political Department.
,, Chief Engineer for Irrigation.
,, Superintending Engineer, VI Circle.

Exd. T. K. Narayana Aiyangar.

PUBLI

IRRIG

G.O. 230 Irg 6 March 1897.

PROCEEDINGS OF THE MADRAS GOVERN

UNDER date the

READ the f

Letter from the Supg: Engr: Sixth Cir: (H. E. No:1078 M. D. d/28-8-96)
Letter from the Resident in Travancore and Cochin ..... (H. E. No:3294 dated 6th Novr: 96)
ndorsement from the Political Deptt: (H. E. No:2389 dated 17th Novr: 96)
tter from the Govt: Solicitor..... (H. E. No:15 dated 11th Janry: 9
tter from the Resident in Travancore and Cochin..... (H. E. No:4038 dated 15th Janry:
rsement from the Political Deptt: (H. E. No:165 dated 22nd Janry

HP

n his letter No:3294 da November 1896, the Ag: Resident -core and Cochin replies to th heads of enquiry made in G.O. dated 13th May 1896.

A.9.H 3.3.97

2. Of these the first h -posed of in G.O. No:601 I, date July 1896.

3. With regard to the second head that relating to the navigation of -- the Periyar lake by Officers of the-- Sirkar, the Government agrees with the Resident and the prohibition against Travancore Officials navigating the lake will be removed. The Government resolves that for the purpose of regu -lating traffic on the lake the new navigation s about to be issue as applicab the Chilka group will b

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be excluded from that part of

lake known as the watershed cut-

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...senger	" 2	" 0-5-0
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...nd class.	Rs 1	Rs 0-3-0

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August 1896 is requir
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5. The Government observes tha
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of land demarcated by the late Superin-
-tendent of Works and that the Con-
-servator of Forests Travancore has
been requested by the Sirkar to hand
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-ordinates on the spot.

6. The Superintending Engin
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take up and on receipt of w
Resident will be addressed
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sked to hand over the land.

24/2/97 W.H. 25/2/97

1.3.97

sident in Travencore & Cochin,
o: The Political Deptt:
f Engineer for Irrign:
: Engineer, Sixth Circle.

22/3/97

FORM No. 4—100—16 9-96.

His Excellency the Governor.

PUBLIC WORKS DEPARTMENT,

IRRIGATION BRANCH.

7

READ the following :—

Letter from the Resident in Travancore and Cochin............ (H.E.Ref:on C No:3294,d/6-11-96)

Endorsement from the Political Deptt: (H.E.No:2389 dated 17th Novr:96)

Letter from the Govt: Solicitor .... (H.E.NO:15 dated 11th Janry: 97)

Letter from the Resident in Travancore and Cochin................ (H.E.Ref:on C No:4038,d/15-1-97)

Endorsement from the Political Deptt: (H.E.No:165 dated22nd Janry:97)

FOR ORDERS.

In his letter No: 3294 — dated 6th November 1896 ,the Acting-Resident Travancore and Cochin replies to the three heads of enquiry made in G.O.No:418 I,dated 13th May 1896.

2. Of these the first has - been disposed of in G.O.No:601 I,dated 23rd July 1896.

3. The second head of enquiry related to a proposal made by the late Superintendent of Works Periyar that none but the Superior Officers of the Sirkar should be allowed to navigate the Periyar lake.

4. The Dewan has pointed out the serious inconvenience caused to the Durbar by the prohibition against Travancore Subordinate Officials -- navigating the lake and the Resident gives his reasons for considering - that this prohibition should not be upheld.

5. The Superintending Engineer, Sixth Circle,has expressed his opinion on

I agree with the Resdt. The prohibition shd. be removed. A.S.H. 5. 2. 97

FOR ORDERS.

Flag F

on this subject in para 3 of his - letter No:1078 M.D. dated 28th August 1896 to the Chief Engineer for Irrigation. He considers that it is quite possible that the lake might become in time the centre of a large planting district and that such a development should be aided even though it might to some extent injure the supply of the lake. He - would afford every facility for -- navigation but would charge low -- fees for boats and rafts under a - system of licences.

6. The Superintending Engineer - has been asked to frame rules and - rates of fees embodying his proposal, but as an early settlement of this question is asked for by the Resident, an order of Government might now be issued on the main question and on such minor points as can be settled at once. It is suggested that it would not be unfair to charge the rates proposed for the Chilka Lake group in the new navigation rules, viz:

Rafts-6 weeks license...Rs..-4-.. per 100 S.ft.

<u>Licenses</u>	Annual	6 Weeks.	
Steamers	Rs 30-,,-,,	Rs 6-,,-,	
Cargo boats	1-,,-,,	,,-3-,,	per ton.
Passenger boats 1st class	2-,,-,,	,,-6-,,	per ton.
....Do..2nd "	1-,,-,,	,,-3-,,	per ton.

Registration fees

I am not satisfied that the floating of timber down the lake can be safely allowed. Let us await the Rules which are to be framed by the Supt. Engr.

A.S.H
5.2.97

H.E.

I was Supt. Engr. at the time orders were given to frame rules - I do not know whether the consent of the Travancore Govt. is necessary. The rules I propose are the new Navigation Rules with rates of fees given in the para. For the present timber must be excluded from the watershed cutting but when the new shutter for the paling is fitted to the tunnel timber may be taken to any part of the lake. The [illegible]

FOR ORDERS.

Registration fees Annual 6 weeks

Private boats	Rs 12-„-„	Rs 2-4-„
Pleasure boats	Rs 1-„-„	Rs„-3-„

May be charged for as "Rafts"

W.H.
11.2.97

I
Pending the issue of the rules it may be intimated that navigation will be allowed on payment of these fees

The words "for the present, timber must be excluded from the water-shed cutting" should be inserted in the Notice. With this proviso, I concur.

ASH
14.2.97

7. The third head of enquiry made in G.O.418 I related to the selection of 95 acres of land demarcated by the Superintendent of Works, near Thekkadi. The Resident reports that His Highness the Maharajah has expressed his willingness to include in the lease the 95 acres of land demarcated, but the Resident considers it advisable that the matter should be laid before Government with reference to the question as to whether the yearly rental of Rs 40,000 covers this area or whether additional rent should be paid for it.

8. The matter having been laid before the Government Solicitor, this Officer in his letter No:15 dated 11th Instant gives his opinion that the 100 acres or so much thereof as may be required by Government are included in the lease and that the yearly rent of Rs 40,000 covers all such part of the 100 acres outside the contour line as may be required by Government for the execution and preservation of the irrigation works within the contour line and that the Travancore Government is not entitled to any rent in respect of such 100 acres.

FOR ORDERS.

9. The question of payment having been settled, it only remains to be decided whether the 95 acres selec--ted by Mr Pears is to be taken as required by Government for the exe--cution and preservation of the -- works within the contour line. In - his letter No:1078 M.D. dated 28th-August 1896, the Superintending Engi--neer, Sixth Circle, gives his opinion as to what land is required and says that the area required will come to much less than 100 acres.

10. In view to the difference of opinion between Mr Pears and the Superintending Engineer, it would perhaps be as well after demarca--ting the land represented by the Superintending Engineer to be -- necessary for the maintenance of the works, to take a portion of - the forest demarcated by Mr Pears to make up the 100 acres. This forest land is a block running up the hill from the lake margin near where the watershed cutting joins the lake.

This should be done.
A.H.
5.2.97

(Id) W.H.
23-1-97 " I "

[signature] 2/2/97

"D.I."

9

Public Works

~~Political~~ (189) Department.

N/ Endt No. 165 d/ 22nd January 1897.

Transferred to the Public Works Department in continuation of endorsement No. 2389, dated 17th November 1896.

A. R. Knapp.

Ag Assistant Secretary.

CURRENT No. 829 ~~102~~

From

The Resident in Travancore & Cochin

CHIEF SECRETARY 20 JAN 1897 GOVERNMENT OF MADRAS

Reference No. 40.38

Dated 15th January 1897

Received 23 ~~20~~ } 1—97

Registered 23 ~~21~~

Enclosures ~~one~~ 2

Spare copies

CW. 21.1.97

Order

SUBJECT.

Forwards a copy of a letter from the Dewan of Travancore on the subject of the prohibition against the navigation of the Periyar Lake.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

9 S. P.

No. R. 1390

Huzur Cutcherry
Trivandrum, 19th December 1896

10

From

The Dewan of Travancore

To

The British Resident in Travancore & Cochin

Sir,

No. R. 605 dated 6th June 1896
No. R. 1000 .. 23rd Sept. ..
No. R. 1196 .. 3rd Nov. ..

Adverting to my letters noted in the margin, I have the honor to inform you that the Conservator of the Forests has again brought to my notice that much inconvenience and loss are caused to the Coomily Depôt by the prohibition against the navigation of the Periyar lake. He states that there are reserves of timber beyond the lake which cannot be tapped as the cost of carting the materials round the lake is prohibitive. I shall feel obliged by your kindly making early arrangements for at least a portion of the lake being allowed to be used by the Travancore officials and contractors.

I have &c.
(Sigd.) Shungrasoobyer
Dewan

(True copy)

F. W. Nicholson

Ag: Resident.

BN Cut.

P.W. E.1/829/97

1897
Pol Dept.
Enclos. No. 1
To
O. N. 102

Ref: on C No. 4038

CURRENT No. 102

RESIDENT'S OFFICE,

11 Trivandram, 15 January 1897.

87

From

F. A. Nicholson Esquire

Ag: Resident in Travancore & Cochin

To

The Chief Secretary to Government

Fort St: George

SIR,

In continuation of my Ref: on C No. 3294 dated 6th November 1896, I have the honor to forward herewith copy of a further communication received from the Dewan of Travancore No. R 1390 dated 19th ultimo pointing out that much inconvenience and loss to the Sirkar Depot at Coomily are caused by the prohibition against the navigation of the Periyar lake by the Travancore officials and contractors. I request therefore that Government will be pleased to issue early orders on the subject.

I have the honor to be

Sir

Your most obedt. servant

F A Nicholson

Ag: Resident.

Cut.

B.N.

M/5 1500--20-2-96.

Public Works (1896) Department.

CURRENT No. 28. M

12

Order

From The Govt Solicitor
Madras

No. 15

Dated 11-1-97
Received 11-1-97
Enclosures 6.
Spare copies

SUBJECT.

Periyar Lease — Expresses opinion that 100 acres or so much thereof as may be reqd. by Govt for the Execution or preservation of Irrign. works are included in the — and that the Travancore Govt is not entitled to any rent in respect of such 100 acres.

B.R.
11.1.97.

BACK PAPERS.

No.	Date.

FURTHER PAPERS.

No.	Date.

R 28 [illegible]
11.1.97

No. 15.

Madras 11th January 1897.

From,

Ernest Barclay

Government Solicitor

Madras.

To,

The Chief Engineer for Irrigation

Madras.

Sir,

1. I beg to acknowledge receipt of your letter of the 18th ultimo No.528 M with copy of the Proceedings of Government, Political Depart--ment, dated 7th December 1886 No.1041, containing a copy of the Lease of 29th October 1886 from the Government of H.H. the Maharajah of - Travancore to the Secretary of State for India in Council.

2. In para 3 of his letter of 6th November 1896 No.3294 to the - Chief Secretary to Government, the Resident of Travancore reports that H.H. the Maharajah has expressed his willingness to include in the - lease 95 acres of land demarcated by the late Superintendent of Works near Thekkadi, in addition to the 5 acres already taken up, that the - Conservator of Forests, Travancore, has been requested by the Sarkar to hand over the land to the British Subordinates on the spot and that, in his letter on the subject, the Dewan raises the question whether - an acreage rent of Rs 500/ per annum should not be paid for this land; and it is on this question I am required to advise.

3. By the lease of 29th October 1886 the Travancore Government - demised and granted to the Secretary of State,

1st all that tract of land, part of the territory of Travancore, situated on or near the Periaur river, bounded on all sides by a contour line 155 feet above the deepest point of the bed of the Periaur river at the side of the dam to be constructed there, & containing 8000 acres or thereabouts

2nd All such land in the immediate vicinity of the tract of land above mentioned and not exceeding in the whole 100 acres,

as might be required by the Lessee for execution and preservation of the irrigation works to be executed by the Lessee within the tract of land firstly mentioned.

4. The above are all the lands demised by the lease, tho' there are various liberties thereby also granted. The term of the lease is 999 years from the 1st of January 1886 and the yearly rent reserved thereby is Rs 40000/ of British India. The lease says "to hold the "premises hereinbefore expressed to be hereby granted (which includes "all such land in the immediate vicinity of the tract of land firstly "demised and not exceeding in the whole in extent 100 acres as may be "required by the Lessee &c) "from the 1st day of January 1886 for the "term of 999 years, yielding and paying therefor, by the same being "deducted from the tribute from time to time payable by the Lessor to "the Government of India or Madras, the yearly rent of Rs 40000/ of "British India commencing from the day on which the waters of the said "Periaur River now flowing into the said Territory of Travancore shall, "by means of the said works, be diverted and shall flow into British "territory x x x and yielding and paying from the date from which the "said yearly rent of Rs 40000/ of British India shall become payable "over and above the same, the further yearly rent (hereinafter called "acreage rent) after the rate of Rs 5/ of British India currency for "every acre and so in proportion for a less quantity, of the lands "hereby demised and granted which on the completion of the said works "shall be found on measurement to be included within the said contour "line in excess of the said area of 8000 acres"

5. From the above it will be seen that the acreage rent is reserved only in respect of the lands within the contour line which may be found on measurement to exceed the 8000 acres and, as pointed out by the Resident, there is no stipulation in the lease as to payment of any additional rent for the 100 acres out-side the contour line or any part of such 100 acres.

6. I am of opinion therefore that the 100 acres, or so much thereof as may be required by Government, are included in the lease and that the yearly rent of Rs 40000/ covers all such part of the 100 acres outside

the contour line as may be required by Government for the execution and preservation of the irrigation works within the tract of land - comprised within the contour line, and that the Travancore Government is not entitled to any rent in respect of such 100 acres.

7. I return the enclosures to your letters of 24th November 1896 - No.491 M and 18th Ultimo No.528 M and .

I have the honor to be

Sir

Your Obedient Servant

Ernest Barclay

Government Solicitor.

~~Political~~ Public Works (1896) Department. R 28 Rs/1/97

CURRENT No. ~~1480~~ 10486

CHIEF SECRETARY 10-NOV. 1896 GOVERNMENT OF MADRAS

From

The Resident in Travancore & Cochin

Ref: on C No. 3294

Dated 6th November 1896

Received ~~10 Nov~~ 18-11-96

Registered ~~11th Nov~~ 18-11-96

Enclosures ~~3~~ 4

Spare copies —

SUBJECT.

i Duty on the surplus inferior timber and second hand wrought timber which the Madras D.P.W at Periyar were permitted to sell

ii Navigation of the Periyar lake

& iii 9.5 acres of land near Thekkadi

~~Order~~ Endt. No. 2389

Transferred to the Public Works Department.

It is suggested that the opinion of the Government Solicitor should be taken on the point raised in para 3 of the Resident's letter, if any doubt is felt on the matter.

A. S. Arundel
Ag. Chief Secretary
17.11.96

Fort St George
17th November 1896

Note Please circulate the papers to Political Dept before final orders are passed

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

R 28 In 11-1-97
PWC 82 G. 15 1 97
I 528 In 28 12 96
R 700 In 9-12 96
I 491 In 24 11 96
R 70 PR 28.8.96
Pol 1041 7.12 96
GO 601 d 23.7.96
R 270 d 13 v 96

R 20/2 /97

3 S. P

No. R 1060

Huzur Cutcherry
16 Trivandrum, 23rd September 189[illegible]

To
The British Resident in Travancore and Cochin.

Sir,

Adverting to my letter No. R 605 dated 6th June last, I have the honor to enclose copy of a letter No. 761 dated 8th Instant, from the Ag: Superintendent and Magistrate Cardamom Hills, pointing out the serious inconvenience caused by the prohibition against Travancore officials navigating the Periyar lake. I shall be obliged by your kindly making early arrangements for at least a limited portion of the lake being allowed to be used by the Travancore officials and contractors.

I have &c
(Signed) Shungrasoobyer
Dewan

(True Copy)

J. D. Rees
Ag: Resident

Pdg

Nt

No 4391
P318

R 28 M / 3 / 97

4 S. P

Huzur Cutcherry,
Trivandrum, 20th October 1896

17

To

The British Resident
in Travancore and Cochin

Sir,

In reply to your letter Ref on No 2928 dated the 2nd Instant, I have the honor to state, that as observed by you, there is in the agreement no express stipulation as to payment for the 100 acres outside the 155 Contour line. But the rent of Rs 40,000 reserved in the agreement is for the area within such Contour line up to a maximum of 8,000 acres, and there is a distinct provision for the payment of an acreage rent of 5 Rs an acre for the excess over 8,000 acres within the above line. It will also be noted that there is neither in the agreement nor in the Correspondence any reference to the 100 acres as being a free gift. I presumed therefore, that the area outside the Contour line was meant to be paid for, when it came to be made over. If, however, you think that in the absence of any express stipulation to the Contrary, the transfer of the 100 acres of land in question should have no separate consideration either in the shape of a lump value

or of land tax, His Highness's Government would gladly withdraw the claim.

I have &c

(Signed) Shungrasoobyer

Dewan

(True Copy)

/s Rees

Agt. Resident

BW

cut.

P&S E. 2
Coll 26/85

Poll
2
1483

No. 3874
P. 296

R 28 M/4 /97

5 S. P

Huzur Cutcherry
Trivandrum, 18th September 1896

From
The Dewan of Travancore

To
The Ag: British Resident in Travancore and Cochin

Sir,

With reference to your letter Ref: M. No. 2556 dated the 18th ultimo, I have the honor to inform you that His Highness the Maharajah has been pleased to sanction the lease to the British Government of the lands selected near Thekkadi not exceeding in area 100 acres for the execution and preservation of the works. This includes the 5 acres now occupied by the houses of the British Subordinates at Thekkadi and Periyar and their immediate surroundings.

2. I trust the acreage rent of 5 Rs per acre will be paid to this Government for these 100 acres along with the rent for the area covered by the original agreement.

3. I am asking the Conservator of Forests to hand over to the British Subordinates on the spot the lands demarcated by the Superintendent of works near Thekkadi to the extent above mentioned.

I have &c
(Signed) Shungrasoobyer
Dewan

(True copy)

J. Rees
Ag. Resident

R 28 R
6 /97

18

1a

480

Ref: on case 3294

Resident's Office
Trivandrum, 6th November 1896

From

The Hon'ble J. D. Rees C. I. E
Ag: Resident in Travancore and Cochin

To

The Chief Secretary to Government
Fort St George

Sir,

In G.O 418 I dated 13th May 1896, Communicated with Political order R No. 147 of the 16th idem, the Government requested the Resident to ascertain; –

(a) Whether the Travancore Sarkar would exempt from duty the surplus inferior timber and second hand wrought timber which the Madras D. P. W. Subordinates at Periyar were permitted to sell.

(b) Whether the Sarkar had any objection to allow none but its superior officers to navigate the lake, and whether it would take steps to prevent trespass on the area leased to Government, and

(c) whether it had any objection to the selection of the 95 acres of land demarcated by the late Superintendent of Works No 1 Periyar Division near Thekkadi to make up the 100 acres in the immediate vicinity of the lake referred to in the lease.

2. In G.O No 601 I dated 28th July last Communicated with Political order R No 269 dated 6th August

point (a) ... dropped by Government, while in Mr Thomson's tter key ... 1694 dated 9th June last he dwelt upon the estion raised in point (b) on a previous reference from the avancore Durbar. The Dewan has again addressed e on this subject pointing out the serious inconvenience used to the Durbar by the prohibition against Travancore ubordinate officials navigating the Lake. Copy of his letter o. R 1060 dated 23rd September 1896) with its enclosure is erewith submitted for the early orders of Government. I ink that the Sarkar cannot fairly be asked to forego avigation of the lake by its officials ~~of the lake~~. Of its readiness to comply th all reasonable requisitions, it has in this and in other ses given ample proof. I have lately visited the Periyar ake and therefore understand from navigating it and om some knowledge acquired of the surrounding country at a considerable tract, perhaps 20 square miles of the ardamom Hills will be cut off from all communication. he objection taken really relates to the passage of timber own the lake which may block the Canal, and works ear the mouth of the tunnel. But an arrangement might e made that timber should be sent down in concert ith the British Subordinate in charge, or the entrance the Canal might perhaps be protected. However this ay be, and I do not presume to express an opinion, it clear that the Sarkar cannot properly be cut off y the Lake from part of its territories, and then be forbidden

to use it as a means of access. The lake winds in and out among the hills for many miles.

3. As regards point (c), I have the honor to report for the information of Government that His Highness the Maha Raja has expressed his willingness to include in the lease the 95 acres of land demarcated by the late Superintendent of works near Thekkadi in addition to the 5 acres already taken up. The Conservator of Forests, Travancore has been requested by the Sarkar to hand over the land to the British Subordinates on the spot. In his letter on the subject, copy of which is also enclosed, the Dewan raises the question whether an acreage rent of Rs 500 per annum should not be paid for this land. Under the lease a payment of Rs 40,000 covers the area within the Contour line up to a maximum of 8000 acres, any acreage in excess having to be paid for at Rs 5 an acre. There is no separate stipulation as to payment for these 100 acres nor have I any papers at my disposal showing what was intended in this behalf. If the Rs 40,000 was intended to cover the Concession, the inference from the omission of any express stipulation as to 100 acres, would be, that it was a part of the Concession, and obnoxious to no payment. On pointing this out to the Dewan, he has in his letter No $\frac{4391}{P318}$ of the 20th ultimo

Copy enclosed

expressed his willingness to withdraw the claim. It is nevertheless advisable, I think that it should be laid before Government, for the Construction of deeds is often a matter of doubt.

I have the honor to be
Sir
Your most obedient Servant

J. D. Rees

Ag. Resident.

RM

Cat.

Dw & cle
6.6.8 6/56

Public Works (1896) Department.

~~CURRENT~~ Receipt No. 70 P.R

Order

2304

From the Supdg Engineer Mira[...]

No. 1078 M.D.

Dated 28° August 1896

Received

Enclosures

Spare copies

SUBJECT.

Land demarcated for Periyar works. Offering his opinion on the — as also on the arrangements to prevent tresp[ass] or damage to Periyar lake

BACK PAPERS.

No.	Date.

FURTHER PAPERS

No.	Date.

No 1078 md;

Supdg Engineer's Office 6th Circle
Trichinopoly.
28th August 1896.

5295

From

W. Hughes Esquire
Superintg Engineer 6 Circle

To

The Chief Engineer
for Irrigation

Sir,

I have the honor to offer my opinion on the matters referred to in G. O. No 601 I dated 23rd July 1896 (Irrns) and your Memo No $\frac{VI}{33 RR}$ dated 3rd August/96

2. The lease grants the right of carrying out works only on the land included within the 155 feet Contour and such other land, limited to 100 Acres, as may be selected in the immediate vicinity for purposes connected with the erection or preservation of the Irrigation works. It is not clear to me that the lease gives the right to make or maintain the tunnel without taking up the land over it. A strip of land, say 20 yards wide along the line of the tunnel should certainly form part of the 100 Acres. Again I think it altogether a mistake to restrict the land

taken

taken up at Periyar and Thekady to the small patches containing the cemetery and the buildings. There was no need to make the elephant trenches the boundaries. As things now are we cannot without trespass hut coolies, quarry stone or even dig earth for the repair of the bund at the left end of the dam. I think it must have been for such purposes as these and not for the acquisition of forest that the clause empowering the Government to acquire 100 acres was entered in the lease. In my opinion Government should acquire for the maintenance and preservation of the works (inclusive of land now in possession)

At Periyar

1st The whole of the hill on which the Periyar buildings stand.

2nd The bed of the escape channel for 100 yards below the dam across it, with a strip 20 yards in width of the hill at right flank of the escape the latter boundary being deflected so as to include the cemeteries.

3rd Land within 100 yards of the main dam on all sides.

4th Land of necessary extent for stone quarrying in a convenient place.

The land in the first three items above will not amount to much as the boundaries stated overlap and also a portion is already included in the lake area below level 155.0

At Thekadi.

1st About 15 acres around the bungalows and the head works of the tunnel.

2nd A strip 20 yards in width along the line of the tunnel.

All the land enumerated above will come to much less than 100 acres and it is a question whether forest land should be selected to make up the balance. Mr Pears assumes that all trees below the 155' level will die but I think this is a matter of opinion. The water will not stand much above 144' (the full lake level) except occasionally and for short periods. I think Mr Pears is probably wrong and that trees of which the roots are rarely submerged should survive. It would no doubt add much to the expense of procuring firewood or timber if it has to be cut here and there over a large area.

On the whole I think the acquisition of forest is not necessary though it would be very convenient.

3 With regard to navigation, I think [fe]es should be levied for boats and rafts as is done on navigable canals. A system of licenses would also give us sufficient control to prevent unauthorized felling of timber within the lake area as boats will always be required for towing the timber and our power of suspending licenses would make it the interest of boatowners not to take part in anything unlawful. It seems quite possible that the lake may become in time the centre of a large planting district and such a development should be aided even though it may to some extent injure the supply of the lake. An important means to this end will be to make the lake a highway and foster navigation by affording every facility for it and charging low fees.

I have the honor to be
Sir
Your most obedient Servt
W. Hughes
Supg Engineer Circle

Public Works (1896) Department.

CURRENT No. 700-M

24

Order

From The Government Solicitor Madras.

No. 642.

Dated 9 - 12 - 96.

Received 10 - 12 - 96.

Enclosures

Spare copies

SUBJECT.

Payment for land taken up outside & in the immediate vicinity of the tract of land within 155 ft Contour line of the Periyar Lake —

regs: to send the case in connection with the —

BACK PAPERS.

	No.	Department.	Date.
91 M.D	24 11/96		
	528 h	R.W.D	18.12.96

FURTHER PAPER[S]

G.O.	No.	Department.	Date.
Issue	528	M	18 12 96
R	28	M	9/1-97

No 642

Madras 9th December 18

From

Ernest Barclay

Government Solicitor

Madras

To,

The Chief Engineer for Irrigation

Madras

Sir,

With reference to your letter of 24th ultimo No 491 M, received by me on the 1st instant I shall be obliged if you will let me see the lease (or a copy of it) referred to in the letter of 6th ultimo No 3294 from the Acting Resident, Travancore to Government. The lease is apparently from the Travancore Government and Mr Rees says that under it "a payment of Rs 40000 covers the "area within the contour line up to a maximum "of 8000 acres, any acreage in excess having to "be paid for at Rs 5- an acre"

I have the ho[nour to be]

Sir

Your obed[ient servant]

Ernest [Barclay]

Gove[rnment Solicitor]

CHIEF ENGINEER
FOR IRRIGATION.
20 DEC. 96
No. 700. M.

No. 491 M.

To

The Government Soli[citor]

Madras

Sir,

I have the honour [to]
request that you will be s[o]
good as to furnish me w[ith]
your opinion on the poin[t]
raised in para 3 of the acc[om]
-panying letter No. 3294 dat[ed]
6th November 1896 from t[he]
Resident in Travancore [and]
Cochin (to be return[ed with]
reply) regarding the paym[ent]
for land taken up outsid[e]
and in the immediate vi[cinity]
of the tract of land withi[n]
the 155 feet contour line [of]
the Periyar lake.

Fair signed sent
on 27 evening

No. 5284 d/18.12.96

To

The Government Solicitor,
Madras.

Sir,

As requested in your letter of the 9 December 1896 No. 642, I have the honour to forward a copy[x] of P.M.G. Political Dept. No. 1041 dated 7 Dec. 1886 containing a copy of the Periyar lease.

Encl: 1

x to be returned when done with.

W.H.
18/12

17/12

56